



STATE SENATOR  
**BEVERLY  
GARD**

Indiana State Senate  
200 West Washington Street  
Indianapolis, Indiana 46204



2004 Post-Session Newsletter  
visit my web site at [www.in.gov/S28](http://www.in.gov/S28)

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## Working for Indiana JOBS

Creating jobs and providing a boost to the economy are a top priority for our state. In 2003, the Senate passed legislation with significant economic development measures, dubbed the JOBS plan. We are constantly trying to improve our business climate here in Indiana to help more Hoosiers find jobs. Despite a \$1 billion state budget deficit, the Senate has continued to seek new ways to foster a more a competitive atmosphere for businesses in Indiana.

One important bill, House Enrolled Act 1365, that passed the Senate this session should provide some new momentum for our economic development efforts. It is a combination of several bills that focus on expanding small businesses investment, improving research and development and encouraging growth around the state.

### Economic Development Provisions in HEA 1365

- Makes several research and investment tax credits permanent.

**Economic Importance:** Businesses will have confidence to invest in creating innovative new products knowing the credits are stabile.

- Adds the Emerging Technology Grant Fund to the 21st Century Research and Technology Fund, which I authored in 1999.

**Economic Importance:** The Fund will match federal grants for small-sized technology-based businesses to accelerate the commercialization of new discoveries in the life sciences, information technology, advanced manufacturing, or logistics industries.

- Gives tax incentives to businesses who locate new or expanded operations on closed military bases.

**Economic Importance:** Incentives given to businesses on Grissom Air Force Base, Fort Benjamin Harrison and Crane Naval Surface Warfare Center will spark the local economy. New tax incentives are vital due to the elimination of the inventory tax by 2007.

- Improves rules regarding Community Revitalization Enhancement Districts (CREDS).

**Economic Importance:** CREDS are important economic development tools for the downtown areas of our cities. Expanding and improving CREDS will further these efforts.

- Allows local governments to assess an annual fee to recipients of tax abatements.

**Economic Importance:** The fee would be used by local economic development boards to help provide more jobs within the area. It would help small rural communities that do not have big budgets for economic development.

- Repeals the sales tax on complimentary hotel rooms.

**Economic Importance:** Indiana will be more competitive with other states in attracting tourism and convention business.



State Senator  
**Beverly Gard**

Serving District 28 — Hamilton, Hancock and Henry Counties



## 2004 Facts & Figures

The Second Regular Session  
of the 113th General Assembly  
began on Organization Day,  
November 18, 2003,  
and adjourned March 4, 2004.

This non-budget year is known as  
the "short" session.

Senate bills introduced: 503  
Senate joint resolutions introduced: 10

Senate bills passed into law: 18  
Senate joint resolutions passed: 0

House bills introduced: 459  
House joint resolutions introduced: 7

House bills passed into law: 80  
House joint resolutions passed: 0

Percent of introduced bills that were  
sent to the governor: 10%

For more information  
about the General Assembly's  
2004 session,  
visit us online at:  
[www.in.gov/legislative](http://www.in.gov/legislative)

Visit my web site at:  
[www.in.gov/S28](http://www.in.gov/S28)

## Representative Democracy The Need to Put Public Policy Before Gamesmanship

What started out in early December to be a promising session with the passage of Senate Bill 1, fell apart in the last few weeks. While the Statehouse media has focused on the gay marriage dispute in the House, the issue goes far beyond that. Representative democracy is what is at stake. This is the principal upon which our great country was founded and for which Americans have fought and died.

In a representative democracy, citizens elect representatives to speak for them before the governing body. In this case, 49 Republican state representatives were elected to represent Indiana citizens in the House of Representatives. These minority House members were not allowed by majority Democrats to offer a motion for debate on the sanctity of marriage. Additionally, they were not recognized to discuss a number of other issues being debated on the House floor. Electricity to the Republican microphone was disconnected at one point.

Representative democracy? Hardly. Half of Indiana citizens did not have a voice in the ongoing marriage debate and some other issues as well. Republican representatives from our community should have as much right to speak for their constituents as Democrat representatives do.

The House and the Senate are each governed by rules adopted by each respective chamber. In contrast to the House procedures, the Senate rules allow minority members to offer motions, amendments and freely debate issues before the Senate. Whether a bill or amendment passes is not

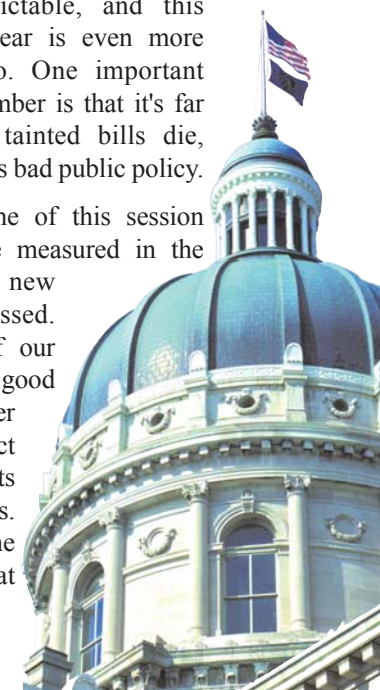
the point - the important thing is that legislators have the opportunity to speak and represent their constituents.

This year, the Senate passed 166 Senate bills and sent them to the House for their consideration. The House passed only 19 of them - mostly because the House was shut down for a week when Republicans were not allowed to speak. The House sent 128 bills to the Senate for consideration and the Senate passed 82 of them.

Very troublesome to me is the fact that so many legislators put gamesmanship before good public policy. They become consumed by it. A good example is the fiasco of trying to count a vote from an ill Democrat House member via computer/telephone from his home in South Bend. From then on, the session went downhill.

Every year, the last days of session are highly unpredictable, and this year is even more so. One important thing to remember is that it's far better to let tainted bills die, rather than pass bad public policy.

The outcome of this session should not be measured in the number of new laws we passed. While part of our job is to pass good laws, the other part is to protect our constituents from bad ones. We have done plenty of that this year.





# Senate Enrolled Act 188

Cancer is the second leading cause of death among Americans. In the year 2000, an estimated 552,220 Americans died of this disease. Each year, cancer costs our nation an estimated \$107 billion in health care expenditures and lost productivity from illness and death. This session, I authored an initiative that will help researchers, doctors and the public in the fight against cancer.

Senate Enrolled Act 188 has been signed by the governor and becomes effective on July 1, 2004. This act will expand the cancer registry maintained by the Indiana Department of Health to record certain nonmalignant tumors and diseases in the cancer registry. It also expands the kinds of health care facilities that are required to report.

Additionally, SEA 188 expands the Birth Problems Registry. New reporting requirements include the reporting of pervasive developmental disorders, such as autism, that are recognized before a child is five years old. Also required to be reported are instances of fetal alcohol spectrum disorder.

Availability of data is essential in order to identify unusual disease patterns and will help to identify areas of Indiana that need public health interventions. The data can point to environmental risk factors or high risk behaviors. By identifying these factors and behaviors, preventative measures can be taken to reduce the number of cancer and birth problems. Additionally, SEA 188 will aid in the evaluation of existing public health programs.

# BMV: The 'Front Porch' of Indiana State Government

The Indiana Bureau of Motor Vehicles has certainly had a rough year, and it's only spring. This year, the administration had one BMV commissioner resign, and then quickly hired a new commissioner to fill the void. In late February, six arrests were made in the Indianapolis area after a sting operation was ordered because of the widespread use of fraudulent documents. Report after report has been issued concerning BMV employees, including an investigation by the media that reported 10 percent of BMV workers in Marion County have a criminal history. All of this comes after 27 individuals were arrested late last year because they possessed illegal licenses and identification cards. Considering these circumstances, it is safe to assume that the BMV is in dire need of a complete overhaul.

In response to news coverage of a widespread fraud scandal, the governor hired a retired U.S. Marshal to spearhead the afore-

mentioned investigation of the agency's operations. While the report did conclude security at certain BMV branches was sub-par, it offered no long-term solutions to the agency's troubles. The report, which many legislators believe is incomplete, was presented to the public two months ahead of schedule. The report has faced criticism by some who say that all it contains is a statement of the obvious condition of the BMV. In fact, the report has been called a "drive-by windshield assessment" because it doesn't address deep-rooted problems within the organization, nor does it pinpoint the source of its scandals.

The BMV serves as the 'front porch' of Indiana state government. Anyone who wants to learn to drive, acquire a driver license, own a car, or obtain official identification uses the agency. Because of this, the BMV must work with a high ethical standard to quickly and effectively serve the people of Indiana.

# Getting Criminals Off the Streets

In the 2003 budget, the legislature created a forensic diversion program allowing offenders of non-violent crimes to be diverted to a local community corrections program for treatment of mental illness or substance abuse problems. With the potential to reduce prison overcrowding, the program could save taxpayer dollars while simultaneously rehabilitating those with mental illness or substance dependencies. Several issues have come up in the last year that required changes in law this session.

Previously, the law allowed all charges to be dropped when an offender agreed to enter the program, leaving the violator's record clean. As a result, offenders could potentially enter the program an infinite number of times. The program also failed to exclude a number of criminals that many deemed a menace to society, including those charged with rape, kidnapping, and child molestation. Legislators remedied these problems by changing several stipulations.

House Enrolled Act 1437 now requires eligible offenders who have been charged with a

non-violent misdemeanor or class D felony that can be reduced to a misdemeanor to plead guilty before participating in the program. This ensures that the program remains a rehabilitative tool and not a revolving door for criminals.

The legislature also revised the forensic diversion program to exclude certain criminals, such as sex offenders and violent offenders. Additionally, the new law establishes a Forensic Diversion Study Committee to evaluate the effectiveness and appropriateness of the program and to review the adequacy of funds. To help aid the study, we have also required the Department of Correction to provide the legislature with the current and anticipated costs of offender incarceration.

The improved forensic diversion program ensures that people suffering from mental illness or substance abuse problems receive the help they need to become law-abiding members of the community. While we want to reduce overcrowding in our state prisons, our goal is to continue to keep the citizens of Indiana safe.

# Fairness In Funding:

Full-day kindergarten should be implemented the right way.

During last year's budget session of the General Assembly, education was our number one priority. It was the only area in government that was given an increase during these difficult fiscal times. While surrounding states have cut education, we worked hard to provide our schools with a 3.3 percent increase in funding for Fiscal Year 2004 and a 2.9 percent increase in 2005. This additional funding has placed Indiana 10th in the country in per pupil spending, which is a commitment that senators want to be able to keep.

The state has drained every reserve account to make ends meet and provide schools with the money needed to continue essential programs for this budget cycle. The numbers from the most recent revenue forecast show that the state is not recovering as quickly as hoped and that the state needs to be cautious about what we are spending so we can keep the promise we made to our schools.

After the early start to our 2004 session, the governor suddenly decided that full-day kindergarten would be his top priority. His first proposal was to fund the partial tuition of 20,000 full-day kindergarten pupils this fall. Parents were expected to pay for a portion of their child's extra hours at school. The governor proposed several shaky ways to fund the remainder; including changing the state constitution to tap into an account reserved for schools' construction and renovation projects.

Senate Republicans agreed that the state simply does not have enough money right now to pay for a statewide full-day kindergarten program. Trying now to fund full-day kindergarten when the state is broke would have short changed existing school programs which are already under funded.

I believe in Indiana's children, and I want them to have every opportunity to be successful. That is why it is so important to approach new government programs and spending with a critical eye. We must first fund our current obligations to public education before committing ourselves to spending even more taxpayer dollars.



Senator Gard presides over the Senate during a session day. Gard maintains several leadership positions, including serving as the chairwoman of the Environmental Affairs Committee. Gard is a former biochemist and addresses issues such as clean air, water quality, vehicle emissions testing, and protection of wetlands in her committee. She also is a member of the Health and Provider Services Committee and the Utility and Regulatory Affairs Committee.

# Unfunded Mandates

The State of Indiana has existing obligations to public schools. We must fund them before creating a new program.

2003 Summer School – \$12,527,551

2003-04 Textbook Reimbursement – \$5,790,604

Public Law 221 –State accountability law

- Need to fund technical assistance for low-performing schools (\$18 million)
- Need to fund achievement grants for high-performing schools (\$10 million)

## Other

- Elimination of state-funded ADA & transportation – \$68 million
- Tuition support payment delays – \$306 million
- Lack of funds for alternative education programs – \$3.6 million to restore 2002 cuts and meet growing demands
- Elimination of school library printed-material grant – \$6 million

**SENATE BILL 231** — Allows the use of grants from the safe schools fund to provide education and training to school personnel concerning bullying, and requires anti-bullying training in school safety specialist education. **FAILED. My vote: NO**

**SENATE BILL 274** — Allows a county or municipality that gives tax abatements to impose an annual fee with the agreement of the property owner. Good for economic development, especially in rural areas. **AMENDED INTO HEA 1365. My vote: YES**

**SENATE BILL 362** — Creates a voluntary farmland protection program to be administered by the Indiana Land Resource Council. Freezes assessed value of land to be classified in the protection program. **FAILED. My vote: YES**

**SENATE ENROLLED ACT 194** — Various measures help protect children by ensuring the safety of those who live with a convicted child abuser. Opens state records regarding a child who died as a result of abuse, abandonment, or neglect. **PASSED. My vote: YES**

**HOUSE ENROLLED ACT 1273** — Amends ICHIA law concerning premium rates, assessments, tax credits, reporting requirements, member and health care provider grievances, provider reimbursement, provider contracting, and balance billing. **PASSED My vote: YES**

**HOUSE ENROLLED ACT 1265**— Requires the state to establish an aggregate prescription drug purchasing program. This will save schools, state universities, and municipal and state government millions of dollars. **PASSED. My vote: YES**